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Introduction: Strategies for Developing Intellectual Property Portfolios in the Global Environment

*Joseph W. Bauer**

Lubrizol is a worldwide manufacturer of specialty chemicals. They are used as additives and lubricants for such things as motor oils and automatic transmission fluids. We have had a long-standing interest in Canada, and in Canadian law and regulation. The first place outside of the United States that Lubrizol manufactured products was in Canada. We remain there today. We have been manufacturing intermediate and finished products there, and blending the many other components we bring in from other countries in a physical plant located in Niagara Falls, Ontario. We have major customers throughout Canada.

It is my great pleasure to introduce our speaker for today's luncheon program. I think we are very fortunate to have a patent lawyer to address the topic, who has, in my assessment, the outstanding attributes that are the normal set of characteristics of patent lawyers with whom I work. I work with them day in and day out, both internally and out in the law firms, including on an international basis.

I think that Michael Buchenhorner has done concrete work and has generated experience over a long period of time in what I would characterize as three very different arenas all connected to intellectual property.

First, he has experience in what you might refer to as the "nuts and bolts" of building patents as one who has written and procured — the term we in the trade use — procurement work as a patent attorney, trying to actually obtain patent protection rights from various governmental authorities. He did that at Motorola and at Dow Chemical.

But then he moved into another area that many patent lawyers never get an opportunity in which to interact, and that is patent policy in his work for the International Trade Commission, the USITC, which is a critical forum for the resolution of patent law matters. Michael Buchenhorner worked for the ITC, argued policy issues before the Court of Appeals for the Federal Circuit. This is the real and final authority in the United States on the patent laws of our country.

But then most importantly, he is currently with IBM, and he is out in the real world where the rubber meets the road, trying to turn intel-

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lectual property into income, which is quite a different thing than obtaining a patent.

At Lubrizol, we are proud of the number of patents we try to obtain. Numbers do not tell everything. You can have a lot of patents, and if they are not commercially viable, you do not have anything very worthwhile. But I was very humbled to learn how many patents IBM obtained in 1994, over 1200 U.S. patents, and I am sure many thousands abroad. That is quite a statement. It also means his employment is very secure, because his job is to go out and try to turn all of that paper into revenue for IBM throughout Latin America.

So with that introduction, please welcome Michael Buchenhorner of IBM.